

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Shefali Goradia on 12/12/2009.

2. The application has been amended as follows:

#### **IN THE CLAIMS:**

Claims 46 and 49 have been amended; claims 48, 50 have been canceled and new claims 51 and 52 have been added as follows:

46. (Currently Amended) A code division multiple access (CDMA) user device comprising:

a transceiver configured to communicate over a plurality of wireless channels with a base station;

a buffer configured to receive a new data type, the new data type being associated with a logical channel and having a highest priority;

the transceiver is further configured to transmit a request to the base station ~~including indicating an urgency factor, wherein the urgency factor is indicative of a new data type and an amount of data in the buffer of the new data type amount of data in a buffer and associated priority information; and~~

the transceiver is further configured to receive a signal with an uplink resource allocation in response to the request.

47. (Previously Presented) The CDMA user device according to claim 46 wherein the priority information is transmitted in order to define which session queue to enable or disable.

48. (Canceled)

49. (Currently Amended) The CDMA user device according to claim 46 ~~[[48]]~~ wherein the urgency factor is ~~factors are~~ used to determine the uplink resource allocation on a per user device basis.

50. (Canceled)

51. (New) The CDMA user device according to claim 46 wherein the transceiver is further configured in response to the uplink resource allocation to utilize a plurality of uplink channels, wherein a number of the uplink channels are dynamically changed in response to the uplink resource allocation.

52. (New) The CDMA user device according to claim 46 wherein the transceiver is further configured in response to the uplink resource allocation to change a coding associated with the uplink channels.

3. Pertinent prior art:

Gorsuch et al. (US 6,388,999 – Ass. Tantivy Communications, Inc.);

Chen et al. (US 5,923,650); Tiedmann, Jr. et al. (US 5,914,950);

Wilson et al. (US 4,814,526).

***Reasons for Allowance***

4. The following is an examiner's statement of reasons for allowance:

The closest prior art of record, Quick Jr. (US 5,673,259) fails to disclose "a CDMA user device wherein a buffer is configured to receive a new data type being associated with a *logical channel and having a highest priority*; and, a transceiver transmitting a request, to the base station, including an 'urgency factor' indicative of a *new data type* and an *amount of data in the buffer of the new data type*", as in claim 46.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: 2472

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AFSAR M. QURESHI whose telephone number is (571)272-3178. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272 7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

12/12/2009

/Afsar M Qureshi/  
Primary Examiner  
Art Unit 2472

Application/Control Number: 10/767,326  
Art Unit: 2472

Page 6